

HOUSE BILL 1051

By Vaughan

AN ACT to amend Tennessee Code Annotated, Title 33,
Chapter 6, Part 4, relative to individuals authorized
to complete certificates of need.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-6-407, is amended by deleting the section and substituting:

(a) As used in this section, "qualified advanced practice provider" means an individual working under the supervision of a licensed physician, and who is a:

(1) Licensed advanced practice nurse with certification from a national certifying organization as a psychiatric-mental health advanced practice nurse; or

(2) Physician assistant with certification from a national certifying organization as having additional qualifications in psychiatry.

(b) A hospital or treatment resource that receives an individual transported under § 33-6-406 must have a licensed physician or a qualified advanced practice provider examine the individual to determine whether the individual is subject to admission under § 33-6-403.

(c) If the individual is subject to admission under § 33-6-403, then the physician or qualified advanced practice provider shall complete a certificate of need for the emergency diagnosis, evaluation, and treatment showing the factual foundation for the conclusions on each item of § 33-6-403, and the person who took the service recipient to the hospital or treatment resource may then apply for the admission for the purpose of emergency diagnosis, evaluation, and treatment.

(d) If the person is not subject to admission and the sheriff or transportation agent is not under a duty to remain at the hospital or treatment resource under § 33-6-406, then the hospital or treatment resource shall return the person to the county.

(e) A hospital, treatment resource, or healthcare provider is immune from civil liability and has an affirmative defense to criminal liability arising either from a determination relative to admission of a person to a facility or treatment resource, or from the transportation of a person to and from the hospital or treatment resource.

SECTION 2. Tennessee Code Annotated, Section 33-6-426, is amended by deleting the section and substituting:

(a) If a person who is not a licensed physician executes the first certificate of need in support of hospitalization under this part, then only a licensed physician may execute the second certificate of need in support of hospitalization under this part.

(b) If a person who is a licensed physician and board certified as a psychiatrist by the American Board of Psychiatry and Neurology executes the first certificate of need in support of hospitalization under this part, then the patient may be subject to admission under § 33-6-403 without the execution of a second certificate of need in support of hospitalization under this part. This subsection (b) does not apply to a state-owned or operated hospital or treatment resource.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.